

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 69756

Michael A. Wilson
Verna M. Wilson

1701 Drexel Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 9, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 415A, failure to license or remove un tagged recreational vehicles; only one recreational vehicle per property on residential property known as 1701 Drexel Road, 21222.

On November 17, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The following persons appeared for the Hearing and testified: Michael Wilson, Respondent and Adam Whitlock, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 19, 2009 to license/remove untagged recreation vehicle, limit one recreation vehicle per property, cut and remove tall grass and weeds. This Citation was issued on November 17, 2009. The Hearing was initially prescheduled for December 9, 2009.

B. Inspector Adam Whitlock testified that his inspection found two recreational vehicle trailers without tags. On December 8, he spoke with the property owner, Mr. Wilson, and was told that he was having a friend dismantle and remove the vehicles and needed more time to complete the work. When re-inspection on February 2, 2010 found the violations not corrected, this Hearing was rescheduled for enforcement of the Citation. Photographs in the file taken February 2, 2010 show one trailer has been partially demolished to the chassis.

C. Respondent Michael Wilson testified that he has a friend who will complete the dismantling and removal but that it is not currently possible to work because the rear yard is flooded. A creek runs through the rear yard and the area is swampy. Work will resume when the yard dries out and he is sure it will all be removed within 90 days.

D. Respondent has acknowledged that the untagged recreational vehicles must be removed to comply with zoning regulations. One recreational vehicle can be stored outside in certain locations on a residential lot, but must have a current license. BCZR Section 415A.1. Respondent has made progress in removing the vehicles. Because compliance is the goal of code enforcement, additional time will be provided for completion of the removal and correction of the violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by May 3, 2010, with all untagged recreation vehicles removed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of February 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.